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SENATE

REPORT
102-88

AUTHORIZING THE NATIONAL PARK SERVICE TO ACQUIRE AND MANAGE THE MARY McLEOD BETHUNE COUNCIL HOUSE NATIONAL HISTORIC SITE, AND FOR OTHER PURPOSES

JUNE 21 (legislative day, JUNE 11), 1991.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 690]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 690) to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 690, as ordered reported, is to authorize the Secretary of the Interior to acquire and manage the Mary McLeod Bethune National Historic Site in Washington, D.C.

BACKGROUND AND NEED

Mary McLeod Bethune (1875–1955) was a distinguished African-American educator, political activist and leader who devoted her life to championing the causes of African-American women. In 1904, she opened the Daytona Normal and Industrial Institute in Florida, which later became the Bethune-Cookman College. Mrs. Bethune remained President of the college until 1942.

Mrs. Bethune was also the founder of the National Council of Negro Women, which united the major African-American women's organizations into a national organization in 1935. She remained President of that organization until 1949. Mrs. Bethune also served as the President of the National Association of Teachers in Colored Schools, as Vice President of the Commission on Interracial Cooperation and as President of the Association for the Study of Negro Life and History.

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Mrs. Bethune lived in her home, located at 1318 Vermont Avenue in Washington, from 1943 until 1949 and used the house as her headquarters from 1943 until her death in 1955.

The Bethune Museum and Archives opened in 1979, and was designated as a National Historic Site in 1982. The site has hosted exhibitions on African-American women's history and culture, held lecture and concert series, and provided reference services and educational publications for the public.

Although the Bethune Museum and Archives was designated as a National Historic Site in 1982, it is not a unit of the National Park System, but rather an affiliated area. H.R. 690 will allow the Secretary of the Interior to acquire the site (with the consent of the owner) and manage it as unit of the National Park System.

LEGISLATIVE HISTORY

H.R. 690, introduced by Congressman Lewis of Georgia, passed the House of Representatives by a voice vote on April 24, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 690 on May 21, 1991.

At the business meeting on June 21, 1991, the Committee on Energy and Natural Resources ordered H.R. 690 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 12, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 690 as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers [1]	
Mr. Ford	
Mr. Bradley [1]	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad [1]	
Mr. Akaka	
Mr. Fowler [1]	
Mr. Shelby	
Mr. Wellstone [1]	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici [1]	
Mr. Murkowski [1]	
Mr. Nickles	
Mr. Burns	
Mr. Craig	
Mr. Seymour [1]	
Mr. Garn [1]	

[1] Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 sets forth the purposes of the Act, which are to preserve and interpret the life and work of Mary McLeod Bethune, the history, lives and contributions of African American women, and the struggle for civil rights in the United States.

Section 2 authorizes the Secretary of the Interior (the "Secretary") to acquire, by donation or purchase with donated or appropriated funds, the Mary McLeod Bethune National Historic Site (the "site") in Washington, D.C., together with such structures and improvements thereon and such personal property as the Secretary deems appropriate for interpretation of the site. The Secretary may only acquire the site with the consent of the owner.

The Committee notes that the National Park Service, in its suitability/feasibility study, has indicated that it will conduct a structural investigation of the site to determine its capability to serve safely as an office and a public assembly space. While the Committee understands that the site has been safely operated in a similar capacity by the National Council of Negro Women and the Bethune Museum Archives, Inc., and that there are no known major structural defects, the Committee expects that the Secretary will complete the study prior to the acquisition of the site.

Section 3(a) directs the Secretary to administer the site in accordance with this Act, the National Park Service Organic Act of 1916, and the Historic Sites Act of 1935.

Subsection (b) directs the Secretary to enter into a cooperative agreement with non-profit organizations to provide public programs, seminars and lectures, and to administer the archives currently located at the site.

Subsection (c) provides that the site is to be operated and managed in accordance with a general management plan. The Secretary is directed to consult in the development of the plan with the Advisory Committee established pursuant to section 4.

Section 4 establishes the Mary McLeod Bethune Council House National Historic Site Advisory Commission, (the "Commission"). The Commission is to consist of 15 members appointed by the Secretary for four-year terms.

Section 5 authorizes the appropriation of such sums as may be necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE
Washington, DC, June 14, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 690, an act to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes. The act was ordered

reported by the Senate Committee on Energy and Natural Resources on June 12, 1991. Assuming appropriation of the necessary sums, CBO estimates that the federal government would incur one-time implementation costs of $1 million to $2 million. Most of this amount would be spent over fiscal years 1992 and 1993. Thereafter, about $0.5 million would be spent each year for routine operation and maintenance. This legislation would not affect direct spending or receipts, and thus would not involve pay-as-you-go scoring.

H.R. 690 would authorize the Secretary of the Interior to purchase or accept the donation of the Mary McLeod Bethune Council House and related property. The acquired property would be managed by the National Park Service (NPS) in consultation with a 15-member advisory commission. Under section 3(b) of the act, the NPS would be authorized and directed to execute cooperative agreements with private organizations for the provision of interpretive services and archive administration. Section 5 would authorize the appropriation of whatever sums are necessary to carry out the act.

The costs of implementing H.R. 690 would depend on the outcome of formal property appraisals, NPS planning studies, and, finally, negotiations with the nonprofit organizations that currently own and operate the Council House. Based upon the most recent NPS information available, CBO estimates that total upfront costs would be between $1 million and $2 million including acquisition, restoration, and development expenditures as well as upfront administrative and planning costs. Most of this spending would occur during fiscal years 1992 and 1993, assuming appropriation of the necessary sums.

Once acquisition has been completed, the NPS would spend about $0.5 million to operate and maintain the site, including payments under section 3(b) of the act.

Enactment of this legislation would have no impact on state or local governments.

On April 15, 1991, CBO prepared a cost estimate for H.R. 690 as ordered reported by the House Committee on Interior and Insular Affairs on April 10, 1991. The two estimates are identical.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 690. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 690, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 7, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 690. These reports had not been received at the time the report on H.R. 690 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF ROBERT STANTON, REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with the views of the Department of the Interior on H.R. 690 as amended by the House of Representatives, a bill to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site.

Mr. Chairman, the Department of the Interior has approved a program of legislative initiatives for the National Park Service, based on the number one priority of each Region of the Park Service. This program of legislative initiatives includes the proposal to bring the Mary McLeod Bethune Council House and Bethune Museum Archives into the national park system through acquisition. If amended as we suggest below, we support H.R. 690.

The Mary McLeod Bethune Council House and the National Archives for Black Women's History were designated a national historic site in 1982 by Public Law 97-329. That authorizing legislation directed the Secretary of the Interior to enter into a cooperative agreement with the National Council of Negro Women. The site and the archives have been operated by the National Council, in conjunction with the Bethune Museum Archives, Inc., since that legislation was enacted. The purpose of the site as directed in the 1982 legislation included: (1) the preservation, maintenance, and interpretation of the Council House and site because of the historic meaning and prominence of the life and achievements of Mary McLeod Bethune, an outstanding leader in the area of housing, employment, civil rights, and women's rights; and (2) the continuation of the Mary McLeod Bethune Memorial Museum and the National Archives for Black Women's History at this site.

H.R. 690 would authorize the Secretary of the Interior to acquire the Mary McLeod Bethune Council House National Historic Site and to manage and operate the site after its acquisition. The Secretary is directed to enter into a co-

operative agreement with nonprofit organizations to provide the public programs, seminars, and lectures appropriate to interpret the life and work of Mary McLeod Bethune and the history and contributions of African-American women.

H.R. 690 would also authorize the Secretary to acquire the National Archives for Black Women's History, and the Secretary is directed to enter into a cooperative agreement with nonprofit organizations to administer the archives currently located at the historic site.

In testimony March 7, 1991, before the House of Representatives, we raised three issues regarding this proposed legislation. These issues are addressed in a study that has recently been completed and reviewed for this site. These include:

1. H.R. 690 significantly expands the existing scope of the Council House and the archives: under H.R. 690 the site would preserve and interpret the life of Mary McLeod Bethune, the history, lives, and contributions of African-American women, and the struggle for civil rights in the United States. This expanded scope would significantly affect the operations and the operating budget of the Council House and the archives. We intend to continue to focus our interpretation of this site on the history of the civil rights movement, and Mary McLeod Bethune's contributions to that history; we do not intend to interpret contemporary political and civil activity occurring in the ongoing current civil rights movement. We recommend that the purpose of the site be to preserve and interpret the life and work of Mary McLeod Bethune and her contemporaries and the history and ongoing work of the National Council of Negro Women.

2. If the scope of the archives is expanded as described in H.R. 690, and additional material is acquired to the scope described in this bill, the existing carriage house would soon become inadequate to store the archives that are now an integral part of the site. We recommend that the scope of the archives be the life and work of Mary McLeod Bethune and her contemporaries who were leaders in fields of endeavor similar to Mary McLeod Bethune.

3. Section (c) includes language that the Advisory Commission "shall fully participate with the Secretary in the development of the General Management Plan." To avoid a possible constitutional appointments clause infirmity, the Department of Justice advised that this provision should be rephrased to clarify that the Advisory Commission truly has an advisory, rather than executive, role.

Our third request was incorporated into H.R. 690 as amended; however, the first two issues remain. We would be pleased to meet with members and staff of the subcommittee for further discussion of these issues.

In addition, the bill as passed in the House of Representatives requires a correction. In Section 3, ADMINSTRATION, the subsection MANAGEMENT AND DEVELOP-

MENT should be identified as subsection "(C)" rather than paragraph "(2)".

The estimated cost for acquiring the land and structures is $635,000. We would anticipate that the archives and historical furnishings will be donated to the Park Service by the National Council of Negro Women. Development and planning costs, including preservation of the structures, are estimated to total $1,500,000. Annual operating costs are estimated to total $400,000.

That concludes my prepared testimony, and I would be happy to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act of H.R. 690, as ordered reported.

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